IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 360 of 1999
With
SPECIAL CIVIL APPLICATION No. 8806 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOPALBHAI SHANTILAL - Petitioner(s)
Versus
JOINT CHARITY COMMISSIONER VADODARA. - Respondent(s)

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Appearance :
MR JAYESH M PATEL for Petitioner(s) : 1, 1.2.1, 1.2.2, 1.2.3, 1.2.4,1.2.5
MS FALGUNI PATEL, AGP for Respondent(s) : 1,
MR MEHUL S SHAH for Respondent(s) : 2,
MR SURESH M SHAH for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,
MR NILESH A PANDYA for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.C.PATEL

Date : 24/07/2006

COMMON ORAL JUDGMENT

These two petitions are directed against the judgment and order dated 6th August, 1998 passed by the Joint Charity Commissioner, Vadodara giving directions under Section 41-A of the Bombay Public Trust Act. The directions were issued without prejudice to the result of any Civil Suit in which the right of the rightful heirs of deceased Harshadkumar Revashankar Joshi may be established.

2. It is stated at the bar that Shri Rajendrakumar Anandlal Pandya, the petitioner in Special Civil Application No. 8806 of 2000 has filed Civil Suit No.54 of 1998, which is pending in the court of Senior Civil Judge, Anand, challenging the succession certificate issued in favour of Purnimaben Gajanan Trivedi, the respondent no.3. Mr. A.J. Patel who appears for the petitioners in Special Civil Application No.360 of 1999 submitted that these two petitions may be disposed of without going into merits of any contentions raised in these two petitions with a direction to expedite the hearing of the said suit which is pending. Mr. N.A. Pandya who appears for the petitioner in Special Civil Application No.8806 of 2000 also agrees and Mr. Mehul S. Shah who appears for respondent no.2 in Special Civil Application No.360 of 1999 and respondent no.3 in Special Civil Application No.8806 of 2000 has no objection. Accordingly, these two petitions are disposed of without going into merits of any of the contentions raised in the petitions and the learned Senior Civil Judge, Anand is directed to dispose of

the said Civil Suit on its own merits at the earliest, preferably within one year from the receipt of this order. Rule discharged in each petition.

(M.C. Patel, J.)

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